

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW LETHBRIDGE and
JENNIFER LETHBRIDGE as Co-Personal
Representatives of the Estate of Isaac Lethbridge
and as Next Friend of EMMA LETHBRIDGE,

Plaintiffs,

v.

CASE NO. 06-14335
HON. LAWRENCE P. ZATKOFF

LULA BELLE STEWART CETNER
KARL TROY, GRACIE ROBINSON,
EDNA WALKER, JANET BURCH and
CHARLISE ROGERS, jointly and severally,

Defendants.

ORDER TO REMAND

Plaintiffs filed a Complaint in the Wayne County Circuit Court on September 15, 2006. Defendants removed the action to this Court on October 2, 2006. Plaintiffs' Complaint contains the following six counts:

Count I	Breach of Contract (Lula Belle Stewart Center);
Count II	Common Law and Statutory Neglect (All Defendants except Rogers);
Count III	42 U.S.C. 1983 (All Defendants except Rogers).
Count IV	Breach of Statutory Duty of Protection Under Michigan Child Protection Act, Mich. Comp. Laws 722.623 and 722.633 (Troy, Robinson, Rogers, and Lula Belle)
Count V	Common Law and Statutory Neglect/Abuse (Rogers and Lula Belle)
Count VI	Assault and Battery

See Complaint.

The Court has subject matter jurisdiction over Count III, because it arises under federal law.

See 28 U.S.C. § 1331. Counts I, II, IV, V, and VI, however, are based upon state law. Although the Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1337(a), the Court may decline to exercise supplemental jurisdiction over a state law claim if there are “compelling reasons for declining jurisdiction.” *See* 28 U.S.C. § 1337(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiffs’ state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiffs’ parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1337(c)(4); *see Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiffs’ state law claims (Counts I, II, IV, V, and VI) are REMANDED to the Wayne County Circuit Court. The Court retains jurisdiction over Plaintiffs’ federal claim (Count III).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: October 20, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on October 20, 2006.

s/Marie E. Verlinde
Case Manager

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